

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 12-CR-41-JHP
)	
SAUL ANTONIO FLORES-LOPEZ,)	
)	
)	
Defendant.)	

ORDER AND OPINION

Before the Court is Defendant Saul Antonio Flores-Lopez's §2255 Motion [Docket No. 154]. The United States filed a Response arguing Defendant's motion should be denied based upon the expiration of the statute of limitations [Docket No. 159].

On February 10, 2012, an indictment charged Flores-Lopez and others with conspiracy and possessing 500 grams or more of methamphetamine with intent to distribute [Docket No. 2]. The Court appointed counsel and a jury ultimately convicted Flores-Lopez of both counts of the indictment. The Court sentenced Defendant to 121 months of imprisonment on November 19, 2012 [Docket No. 127]. On direct appeal, the Tenth Circuit affirmed Florez-Lopez's conviction. United States v. Flores-Lopez, 551 F.App'x 936 (10th Cir. 2013). The Supreme Court denied his petition for writ of certiorari on April 21, 2014 [Docket No. 152]. Effective November 1, 2015, pursuant to 18 U.S.C. 3582©, this Court reduced Flores-Lopez's sentence to 120 months, the statutory minimum for his conviction [Docket No. 153].

On June 28, 2017, Flores-Lopez moved to vacate, set aside or correct his sentence pursuant to 28 U.S.C. §2255 [Docket No. 154]. A motion under §2255 is governed by the Anti-Terrorism

and Effective Death Penalty Act of 1996 (AEDPA), which allows prisoners one year to file the motion. 28 U.S.C. §2255(f); *United States v. Hurst*, 322 F.3d 1256, 1259 (10th Cir. 2003). A conviction is final, and the one-year statute of limitations begins, when the Supreme Court denies a petition for writ of certiorari after a direct appeal. *United States v. Willis*, 202 F.3d 1279, 120 (10th Cir. 2000).

In the instant case, the Supreme Court denied Defendant's petition for writ of certiorari on April 21, 2014; therefore, the statute of limitations for his §2255 motion expired one year later on April 21, 2015. Accordingly, the Court finds Flores-Lopez's motion is denied because it was filed beyond the statute of limitations.

IT IS SO ORDERED this 19th day of July, 2017.


James H. Payne
United States District Judge
Northern District of Oklahoma